

ORIGINAL

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Attorney for Plaintiff
KAMALA BADE MESIK

FILED
Clerk
District Court

MAY 25 2007

For The Northern Mariana Islands
By _____
(Deputy Clerk)

IN THE UNITED STATES DISTRICT COURT
OF THE

NORTHERN MARIANA ISLANDS

KAMALA BADE MESIK,
Plaintiff,

v.

DKK INC. AND KIM HONG KYUN,
Defendants.

CIVIL ACTION NO. 07-0019

COMPLAINT

Plaintiff alleges:

1. This is an action under the Fair Labor Standards Act (29 U.S.C. § 201 et. seq.). This court has jurisdiction pursuant to 28 U.S.C. § 1337. The Court has supplemental jurisdiction under 28 U.S.C. §1367.

2. Plaintiff is Nepalese citizen, presently residing in the CNMI.

3. Plaintiff is informed and believes, and based on such information and belief herein alleges that Defendants DKK Inc. and Kim Hong Kyun are doing business as DKK Poker and existing under the laws of the Commonwealth of the Northern Mariana Islands.

4. Defendant Kim Hong Kyun is the principal DKK Inc. and employer of Plaintiff within the meaning of the Fair Labor Standards Act.

1 5. Plaintiff Kamala Bade Mesik was hired on January 16, 2006 by
2 Defendant to work as Cashier at DKK Poker, Koblerville, Saipan, CNMI.

3 6. Plaintiff was engaged in, or employed in an enterprise, engaged
4 in commerce within the meaning of 29 U.S.C. sections 203 and 207.

5 7. Plaintiff worked numerous periods exceeding more than 40
6 hours per week.
7

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9 **FIRST CAUSE OF ACTION**
10 **FAILURE TO PAY OVERTIME REQUIRED**
11 **UNDER THE FAIR LABOR STANDARDS ACT**

12 8. Plaintiff realleges and incorporates by reference paragraphs 1
13 through 7 of this complaint.

14 9. At all times that Plaintiff was employed by Defendants,
15 Defendants were required to comply with all the provisions of the Fair Labor
16 Standards Act, as amended, (29 U.S.C. § 201 et seq.). This required Defendants to
17 maintain accurate wage and hour records and to pay Plaintiff overtime
18 compensation for hours worked in excess of 40 hours per week at a rate of not less
19 than one and one-half of each Plaintiffs' regular rate of pay.

20 10. At all times that Plaintiff was employed by Defendants,
21 Defendants knew or should have known of the existence and application of the
22 Fair Labor Standards Act.
23

24 11. As part of her employment with Defendants, Plaintiff has been
25 required to work and in fact have worked a substantial amount of time in excess of
26 40 hours per week. Defendants have not paid Plaintiff all overtime worked by
27
28

1 Plaintiff as required under the Fair Labor Standards Act, in violation of 29 U.S.C.
2 § 207.

3 12. The exact amount by which Defendants have underpaid Plaintiff
4 is not presently known to them at this time and is subject to proof at the time of
5 trial.
6

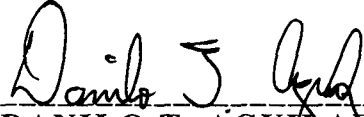
7 13. Defendants failure to pay the Plaintiff according to law was
8 willful.

9
10 **PRAYER FOR RELIEF**

11 WHEREFORE, Plaintiffs pray:

- 12 1. For unpaid overtime according to proof;
13 2. For an additional equal amount as liquidated damages;
14 3. For reasonable attorney's fees;
15 4. For cost of suit;
16 5. For such other and further relief as the Court deems just and
17 proper.
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19
20 Dated this 1st day of May, 2007.

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23 **DANILO T. AGUILAR, F0198**
24 Attorney for Plaintiff
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